

REMARKS

In the Office Action mailed February 27, 2009, the Office noted that claims 17-28 were pending and rejected claims 17-28. Claims 17, 20, 23, 24 and 26-28 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 17-28 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 17-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi, U.S. Patent No. 5,914,928. The Applicants respectfully disagree and traverse the rejection with an argument.

Claims 17, 20, 23, 24 and 26-28 have been amended to further recite "the defect management information includes (i) an evacuation source address which is an address of the position of the defect in the data area and (ii) an evacuation destination address which is an address of a recording position of the evacuation data." Support for the amendment may be found, for example, on page 6, lines 1-6 and page 30, lines 6-19 of the Specification. The Applicants submit that no new matter is believed to have been amended by the amendment of the claims.

The Applicants submit that Takahashi merely discloses that only the primary defect list (PDL) which includes the

address of the defective sector and the addresses of spare sectors and the secondary defect list (SDL) which includes the address of the defective block and the addresses of its last replacement block are recorded into the defect management area 502 (see col. 13, lines 45-51, col. 15, lines 4-10, and col. 15, lines 26-28 of Takahashi). Takahashi merely discloses that only the ECC block (n) containing the defective sector is replaced by the replacement block (n) in the replacement block 503 (see col. 23, lines 6-8 of Takahashi).

Namely, Takahashi does not disclose that (i) the ECC block (n) containing the defective sector can be replaced by the block in the defect management area 502 and (ii) the primary defect list or the secondary defect list can be recorded into the replacement block 503.

Therefore, each of the defect management area 502 and the replacement block 503 is absolutely different from the "shared area into which both of the defect management information (i.e. the evacuation source address and the evacuation destination address) and the evacuation data is recorded" of the claims.

Additionally, in Takahashi, the size of the defect management area 502 is absolutely **fixed** and the size of the replacement block 503 is absolutely **fixed**. Namely, the size of the area into which the primary defect list or the secondary defect list can be recorded is fixed and the size of the area by

which the ECC block (n) containing the defective sector can be replaced is fixed. In other words, the size of the area into which the primary defect list or the secondary defect list can be recorded does not vary (does not change) and the size of the area by which the ECC block (n) containing the defective sector can be replaced does not vary (does not change).

On the other hand, in the present invention as embodied in the claims, because both of the defect management information and the evacuation data is recorded into the same shared area, the size of the area into which the defect management information can be recorded is **NOT fixed** and the size of the area into which the evacuation data can be recorded is **NOT fixed**. In other words, each of (i) the size of the area into which the defect management information can be recorded and (ii) the size of the area into which the evacuation data can be recorded varies in accordance with the recording aspect of both of the defect management information and the evacuation data. For example, if the size of the defect management information which is to be recorded is relatively small, it is possible to expand the area into which the evacuation data can be recorded. Similarly, the size of the evacuation data which is to be recorded is relatively small. It is possible to expand the area into which the defect management information can be recorded.

Therefore, each of the defect management area 502 and the replacement block 503 is absolutely different from the

"shared area in to which both of the defect management information (i.e. the evacuation source address and the evacuation destination address) and the evacuation data is recorded" of the claims.

Additionally, in the Office Action it is asserted that "Takahashi teaches a write·once·type recording medium." However, Takahashi discusses that "[t]he present invention relates to an improvement of a RAM disk." (See col. 1, lines 8-9 of Takahashi). Thus, Takahashi merely disclose the rewritable recording medium and does not disclose the write·once·type recording medium.

Finally, in the Office Action it is asserted that "Takahashi teaches ... a shared area ("503" in Figure 12), which is disposed between said control information recording area (501, 502) and said data area (see "ECC" or "400")". However, Figure 12 of Takahashi shows that the replacement block 503 is disposed between the lead-out area 504 (not areas 501 and 502) and the data area 400.

For at least the reasons discussed above, Takahashi fails to disclose the defect management information includes (i) an evacuation source address which is an address of the position of the defect in the data area and (ii) an evacuation destination address which is an address of a recording position of the evacuation data as in claims 17, 20, 23, 24 and 26-28 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 102. It is also submitted that claims 17-28 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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